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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/858,190

05/15/2001

Raymond Clarke

13282-1

9310

Sheldon & Mak  
225 South Lake Avenue, Suite 900  
Pasadena, CA 91101

7590

07/03/2008

EXAMINER

WEINSTEIN, STEVEN L

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

07/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09858190	5/15/2001	CLARKE, RAYMOND	

Sheldon & Mak  
225 South Lake Avenue, Suite 900  
Pasadena, CA 91101

**EXAMINER**

Steven L. Weinstein

**ART UNIT****PAPER**

1794

20080627A

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 12/11/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

It does not appear that applicant has addressed the references that were newly applied in the Office action mailed 12/28/06. These references, which include, J. of Experimental Botany, Tropical agriculture, Refrigeration (1973), Foods and Food Ingredients (Japan 1998), Intl. Conference of CA Packaging (1984), Annals of Botany (1947), and Proc. Atm. Res. Conf. (1989), Intl. J. of Food Science and Technology (1988), and HortScience (1971), were all relied on as further evidence of the conventionality of manipulating the well known process variables inherent in preserving and storing produce, and specifically the O<sub>2</sub> concentration, which is what applicant appears to be urging is the major difference compared to the art taken as a whole. Note that Wade (J. of Experimental Botany (1974) even provides various O<sub>2</sub> gas atmospheres, including one within the recited range, at the time when green bananas are exposed to ethylene to determine the effects of different O<sub>2</sub> levels and green banana ripening.

To expedite prosecution, it is also noted that applicant has pointed out that the claims now recite that there is an equilibrium atmosphere in which the O<sub>2</sub> content has a "substantially" constant value which is from 14-19%. However, note that the specification (p.15, para.1) discloses the packaging atmosphere, for at least "part" (and thus is not a "constant" value) of the period before the bananas reach their climateric contains various concentrations of O<sub>2</sub>, including the recited range, and in Table 2, the O<sub>2</sub> level drops from 15.5 to 2.2. It would therefore appear that some further clarification of the length of time or the state of the bananas would be required to make sense of the "constant" value.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Steve Weinstein/  
Primary Examiner, Art Unit 1794

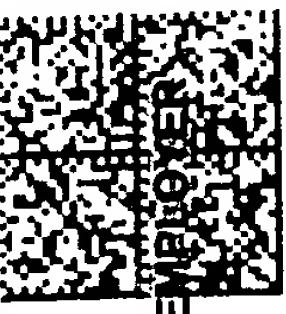


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